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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,296	08/29/2001	Margo N. Whale	10007167-1	6662

7590 09/07/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

KRAMER, JAMES A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,296

Applicant(s)

WHALE, MARGO N.

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/23/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boardman et al. (hereinafter Boardman) in view of Hirst et al. (hereinafter Hirst)

Boardman teaches a decision network based event pricing system. Boardman teaches an event as any transaction between a supplier and a customer (the selling of a toner cartridge; column 2; lines 19-20). Boardman further teaches applying the event-pricing concept to any business domain where customers are billed for transactions that can be represented as events. Examiner notes that selling printing device replaceable component clearly represents an event as defined by Boardman, accordingly the system of Boardman can be applied to the sales of printing device replaceable components.

Boardman teaches the use of two types of decision networks, a Plan Selection Rule Set and an Algorithm Selection Rule Set. The Plan Selection Rule Set guides the event to price plans and the Algorithm Selection Rule Set is within the Plan Selection Rule Set and guides the event to algorithms which calculate the price (column 2; lines 42-50). Boardman further teaches with the Algorithm Selection Rule Set a Tariff Model Area, which is a grouping of rates and associate Tariff Model Sensitivities that collectively can be used in a Price Plan to determine a

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price based on usage (column 4; lines 28-32). (Examiner notes that these features represent determining a price for one or more printing device replaceable component based on usage).

Boardman does not specifically teach detecting an occurrence of a marketing event, however Examiner notes that it is inherent to the system that a marketing event be detected. Examiner asserts that as the process of Boardman relates to event-price determination, the detection of a marketing event is necessarily present as the sole means by which one of ordinary skill would begin to determine a price.

Examiner further notes the inherency of the particular brand of printing device replaceable component with regard to the marketing event which triggers the event-price determination of Boardman. The particular brand is necessarily present with regard to the marketing event as the sole means by which a company knows which product they are pricing.

Examiner still further notes that the step of determining usage is inherent to the system of Boardman. Examiner asserts that in order for the system of Boardman to determine a price based on usage (column 4: lines 28-32) a means for determining the usage is necessarily present.

Boardman does not teach determining usage utilizing a memory chip within a printing device replaceable component. Hirst teaches a memory device located on or within a consumable (printing device replaceable component with memory chip) (column 2; lines 32-33) used to communicate with a manufacturer of the consumable component regarding consumption rate (column 2; lines 19-21). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Boardman to include a connection to the memory chip of Hirst in order to receive information regarding consumption (usage).

Boardman does not teach specific marketing events, including receiving an order, customer inquiry, receiving depleted toner cartridge or detecting a time for an unsolicited advertisement. Examiner takes Official Notice that the following are old and well known marketing events: receiving an order, customer inquiry, receiving depleted toner cartridge or detecting a time for an unsolicited advertisement. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Boardman in include the detection of one of these specific marketing events (receiving an order, customer inquiry, receiving depleted toner cartridge or detecting a time for an unsolicited advertisement) in order for the company to generate business.

Response to Arguments

Applicant's arguments filed 12/23/03 have been fully considered but they are not persuasive. Applicant asserts that Boardman does not base price on usage. Examiner disagrees as Boardman teaches with the Algorithm Selection Rule Set, a Tariff Model Area which is a grouping of rates and associate Tariff Model Sensitivities that collectively can be used in a Price Plan to determine a price based on usage (column 4; lines 28-32).

Applicant further asserts that Boardman does not teach basing the price of service on the usage of the device for which the service is a replaceable component. Examiner disagrees as Boardman teaches applying the event-pricing concept to any business domain where customers are billed for transactions that can be represented as events. Examiner notes that selling printing device replaceable component clearly represents an event as defined by Boardman, accordingly the system of Boardman can be applied to the sales of printing device replaceable components.

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Applicant finally asserts that neither Boardman nor Hirst discloses determining printing device usage from a depleted component. Examiner disagrees as Hirst teaches a memory device located on or within a consumable (printing device replaceable component with memory chip) (column 2; lines 32-33) used to communicate with a manufacturer of the consumable component regarding consumption rate (column 2; lines 19-21).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

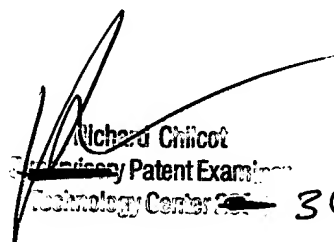
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer
Examiner
Art Unit 3627

jak


Richard Chilcote
~~Technology Patent Examiner~~
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